

PRE-APPROVAL OF CLIENT COSTS POLICY

1. The following policy shall apply to the pre-approval of client costs in all cases involving salaried (FTE), contract and conflict attorneys. Conflict attorneys are those attorneys assigned cases identified as conflicts cases by the Regional Deputy Public Defender (RDPD).
2. Client costs, hereinafter called costs, shall be defined as all monies to be expended in the preparation, investigation and litigation of public defender cases. A task shall be defined as each individual piece of work performed by a non-attorney in the preparation, investigation and litigation of a public defender case.
3. All attorneys must have pre-approval of any cost exceeding \$200 per task in all cases. Contract and FTE attorneys must obtain pre-approval of costs from the RDPD assigning the case. In the case where the contract or FTE attorney seeks pre-approval of a cost for a task exceeding \$2000, the RDPD must contact the State Office to obtain pre-approval. Conflict attorneys must obtain pre-approval of costs exceeding \$200 per task from the Conflicts Coordinator (CC). In a case where the conflict attorney seeks pre-approval of a cost for a task exceeding \$2000, the CC must obtain pre-approval from the Public Defender Commission.
4. The pre-approval process shall commence with the completion of the Request for Pre-approval of Costs form by the attorney assigned to the case. The request shall include the attorney's name, case name and OPD#, the task and the task giver's name, the cost of the task and a brief justification of the task and cost. The form must be signed and dated by the requesting attorney and forwarded to the RDPD, or the CC in conflict cases. The RDPD or the CC, as the case may be, shall review the request and shall explore alternative, fiscally responsible options with the attorney before approving said request. The RDPD or the CC shall approve or deny the request by circling the appropriate word on the form and by then signing and dating the same. The original form should be retained by the RDPD or CC and a copy thereof forwarded to the requesting attorney. If the request exceeds \$2000, the RDPD or CC must certify that they have reviewed the request, explored alternative, fiscally responsible options with the requesting attorney and must include a recommendation to approve or deny the request. They must sign and date the form and forward the same as follows: The RDPD shall fax the request form to the State Office c/o Larry Murphy (406.496.6098); the CC shall contact the Committee member designated by the Commission. The State Office shall approve or reject the request by circling the appropriate word on the form and by then signing and dating the same. The form should be returned by fax to the RDPD who should retain the same. The RDPD should forward a copy of the finalized form to the requesting attorney. A copy should be retained by the State Office. The CC may note the date, the Commission member, their approval or denial, and the reasons therefore on the original form. The CC should retain the original form and forward a copy thereof to the requesting attorney.
5. The original pre-approval forms should be used by the RDPD and the CC to track the pre-approved costs. The originals should be attached to the claim form when they are forwarded to the State Office for final payment.

**STATE OF MONTANA
OFFICE OF THE STATE PUBLIC DEFENDER
REQUEST FOR PRE-APPROVAL OF CLIENT COSTS**

The Regional Deputy Public Defenders (RDPD) in cases assigned to either an FTE or contract attorney, and the Conflict Coordinator (CC) in cases assigned to conflict attorneys must pre-approve all costs exceeding \$200 per task in each case.

Attorney's Name

Case Name

OPD Case #

Task Provider's Name

Estimated Cost of Task

Short Justification for Task and Cost: _____

Requesting Attorney Signature

Date

The Requesting Attorney must complete and forward this form to the Regional Deputy Public Defender for approval.

If the case is a conflict matter, please forward this form directly to:

Kerry Newcomer, Conflicts Coordinator

k.newcomer@gn-law.com 406-327-0771 (Fax)

RDPD or CC

[Approve / Deny]

Date

I certify that I have reviewed the request which exceeds \$2000; have explored alternative, financially responsible options with the requesting authority, and recommend that the request be [Approved / Denied]

RDPD or CC

Date

**For Central Office or Commission Use Only
Requests Exceeding \$2000**

Contract Manager

[Approve / Deny]

Date

Commission Committee [Approve / Deny]

Date

**Conflicts Coordinator
Public Defender Commission:**

Kerry Newcomer
Conflicts Coordinator
Montana Public Defender Commission

619 Southwest Higgins, Suite K
Missoula, MT 59803

Phone: 406.880.0772
Alt. Phone: 406.728.4950
Fax: 406.327.0771
k.newcomer@gn-law.com

**Summary of appointment procedure, cost authorization, and payment for
conflicts cases**

- 1. Determination of conflict and appointment of conflict attorney.** The Regional Deputy Public Defender (RDPD) is the person responsible for determining if a case assigned to the Office of the State Public Defender (OPD) under the Montana Public Defender Act is in conflict with the RDPD staff, contract counsel, existing clients or RDPD supervision of an existing matter. These conflicts are generally outlined in the OPD Standards for Counsel, III.E. When a conflict is determined to exist the RDPD office should cross reference the OPD case number, Defendant and Attorney of all cases in conflict with each other on the OPD appointment Form 1, then fax a copy of the appointment form to the Conflicts Coordinator at 406.327.0771. The RDPD office should then send the case information to the attorney assigned to the conflict case in the region's usual manner.
- 2. Cost Authorization for attorney handling a conflict case.** For now, all costs must be preapproved in conflict cases through the Conflicts Coordinator. Use the preapproval form on the OPD website. Complete the form and fax it to the Conflicts Coordinator at 406.327.0771. If you have questions, call the Conflicts Coordinator at 406.880.0771. The response time for preapproval requests should be about one working day, or two, if the preapproval amount is over \$2,000
- 3. Payment for services and preapproved costs.** See: How do I get paid? Ten Easy Steps posted on the Forms page of the OPD website. For payment for your services, send the summary Contract Attorney claim form (posted on the OPD website) with the case billing detail to the Conflicts Coordinator. The Conflicts Coordinator will review the detail and the summary, approve or deny it, retain the detail and forward the summary to the OPD for payment.

Preapproved costs for conflict cases should be summarized on the Miscellaneous Service Claim Form (posted on the OPD website) with supporting detail attached, and then you should send the same to the Conflicts Coordinator. Your service provider should give you the detail and you, the attorney on the case for which the work was performed, should review the claim before it is submitted to the Conflicts Coordinator. The Conflicts Coordinator will review the detail and the summary, approve or deny it, retain the detail and forward the summary to the OPD for payment.

NOTES:

A. Claims for payment of costs and fees, and the administration of conflict cases are on a separate, but parallel, track from the claims for payment and administration of non-conflict cases. **So, if you are handling both contract and conflict cases, you must segregate your conflict and non-conflict case claims.**

B. One goal in separate administration of conflict and non-conflict cases is to preserve the independence of action of the attorney doing the work. Another goal is to make the administration of cases for the attorney doing the work as simple as possible, while acting in a fiscally responsible manner. Your comments and suggestions in furtherance of these goals are welcome.

Conflict Case Procedure
07/27/06
PDC-CC

STATE OF MONTANA
OFFICE OF THE STATE PUBLIC DEFENDER
HOW DO I GET PAID? TEN EASY STEPS

1. If you are presently working within the existing Public Defender system, and will be invoicing for any services that crossover from June 2006 to July 2006, you will need to make sure that all work prior to July 1st be submitted the same as you have in the past. We will pay for services and costs incurred after June 30, 2006.
2. You must be set up in the state vendor system. If you have provided services to the State of Montana in the past then you will already have a unique vendor number. We have access to that number as well, but if you include that with your invoicing it reduces the likelihood of errors in processing your warrant. If you are unsure, please call Traci @ 406-496-6382 and she can provide you your number. If you are new to the system, she will provide you with a W-9. Fax that back to the attention of Accounting @ 406-496-6098, and we will set you up.
3. The State Public Defender's office is broken into Eleven Regions, and one Central Office. While payment will be issued out of the Central Office in Butte, initial service requests, pre-approvals and invoice review will be handled at either the regional level by each Regional Deputy, or, if the matter is a conflict case, by the Conflict Coordinator. Go to <http://www.publicdefender.mt.gov/map.asp> to locate your regional and/or the Conflict Coordinator's information.
4. Each Region has a Regional Deputy Attorney. Each Office has a Managing Attorney and an Office Manager. If you anticipate your costs to exceed \$200, you will need pre-approval from either the Regional Deputy Attorney, or the Conflict Coordinator if the case is a conflict case.
5. **Service providers (i.e. non-client related services and general operating expenses)** do not need to provide a cover claim form. Please just submit your invoice directly to the applicable region for review.
6. **Contract/Conflict Attorneys and other Professional Services-** Provide a daily log and summarize the same on the Contracted Attorney Summary Claim Form. Always include both the client name and client numbers on the form. Submit your claim in a timely manner, directly to the Regional office in which the service was provided. If you are handling both conflict and non conflict matters, you will need to submit those separately to the RDPD and the CC respectively.
7. Always attach receipts pertaining to any additional misc. costs you claim. Mileage may be claimed @44.5 cents per mile for all travel required in excess of 15 miles from your established place of business.
8. Your invoices must be submitted no later than the 10th of the month following the month of service.
9. Your invoice will then be reviewed, hopefully approved, and submitted to the Central Office for payment. We will turn those around as expediently as possible.
10. Initially, the regional offices will not have access to the State AP and Voucher system. If a payment seems late (30 days or more), and your Regional contact has sent in your invoice, please feel free to contact the Central Office to determine if your voucher has been entered yet, and/or payment issued.

Please call Accounting @ 406-496-6089 with questions or concerns you might have.
All claim forms can be found on our website: <http://www.publicdefender.mt.gov/forms.asp>

**STATE OF MONTANA
OFFICE OF THE STATE PUBLIC DEFENDER
CONTRACTED ATTORNEY SUMMARY CLAIM FORM**

Vendor ID #

Please attach daily log for all work and/or costs on each case listed below.

The undersigned Counsel certifies that the cases listed, expenses claimed and the times reported are true and accurate

Contract Manager's Approval/Date Approved

**SIGNATURES ABOVE CERTIFY THAT ALL COSTS IN EXCESS OF \$200 HAVE BEEN PREAUTHORIZED.
CONFLICT CASES: FAX TO KERRY NEWCOMER @ 406-327-0771 OR EMAIL TO K.NEWCOMER@GN-LAW.COM
ALL OTHER NON CONFLICT CASES NEED TO BE SUBMITTED DIRECTLY TO THE RDPD FOR APPROVAL.**

STATE OF MONTANA
OFFICE OF THE STATE PUBLIC DEFENDER
MISCELLANEOUS CLAIM FOR SERVICES

Vendor ID #

<input type="checkbox"/>	Investigator
<input type="checkbox"/>	Expert Witness
<input type="checkbox"/>	Transcripts/Depositions
<input type="checkbox"/>	Research
<input type="checkbox"/>	Mediator
<input type="checkbox"/>	Other (Please Specify)

Please attach your notice of pre-approval and an Itemized invoice for all work and/or costs on each case listed below.

Circumstance	Percentage (%)
If someone is attacking you	95
If someone is threatening you	85
If someone is harassing you	75
If someone is insulting you	65
If someone is annoying you	55

TOTALS	-	-	-	-
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Claimants Signature/Date of Submission

Contract Manager's Approval/Date Approved

**SIGNATURES ABOVE CERTIFY THAT ALL COSTS IN EXCESS OF \$200 HAVE BEEN PREAUTHORIZED.
CONFLICT CASES: FAX TO KERRY NEWCOMER @ 406-327-0771 OR EMAIL TO K.NEWCOMER@GN-LAW.COM
ALL OTHER NON CONFLICT CASES NEED TO BE SUBMITTED DIRECTLY TO THE RDPD FOR APPROVAL.**

OFFICE OF STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

RANDI HOOD
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

Phone: (406) 496-6080
Fax: (406) 496-6098

44 WEST PARK STREET
BUTTE, MONTANA 59701

PAYMENT AUTHORIZATION

[Attach to Invoice]

Please utilize this authorization form exclusively for non-client related operating costs, such as office supplies, small office equipment purchases, and costs associated with the day to day functions of running your particular office. Office Managers may authorize purchases and invoices up to \$200 if and when the need arises. The Managing Attorney or RDPD may authorize purchases and invoices up to \$500 for operating expenses. All operating expenditures in excess of \$500 will need pre-approval from the Central Office. If your expenditures exceed \$500 for operating expenses, please attach the invoice, along with a copy of the pre-approval form, to this authorization and submit directly to the Central Office for payment.

<input type="checkbox"/> Region 01 - Kalispell (20100)	<input type="checkbox"/> Region 04 - Helena (20400)	<input type="checkbox"/> Region 08 - Bozeman (20800)
<input type="checkbox"/> PD 1 - Kalispell (20110)	<input type="checkbox"/> PD 1 - Helena (20410)	<input type="checkbox"/> PD 1 - Bozeman (20810)
<input type="checkbox"/> PD 2 - Polson (20120)	<input type="checkbox"/> PD 2 - Boulder (20420)	
<input type="checkbox"/> Region 02 - Missoula (20200)	<input type="checkbox"/> Region 05 - Butte (20500)	<input type="checkbox"/> Region 09 - Billings (20900)
<input type="checkbox"/> PD 1 - Missoula (20210)	<input type="checkbox"/> PD 1 - Butte (20510)	<input type="checkbox"/> PD 1 - Billings (20910)
<input type="checkbox"/> PD 2 - Hamilton (20220)	<input type="checkbox"/> PD 2 - Anaconda (20520)	<input type="checkbox"/> Region 10 - Glendive (21000)
<input type="checkbox"/> Region 03 - Great Falls (20300)	<input type="checkbox"/> Region 06 - Havre (20600)	<input type="checkbox"/> Region 11 - Miles City (21100)
<input type="checkbox"/> PD 1 - Great Falls (20310)	<input type="checkbox"/> Region 07 - Lewistown (20700)	<input type="checkbox"/> Appellate - Helena (3001)

VENDOR NAME: _____

AMOUNT: \$ _____

DATE SUBMITTED: ____/____/____

Manager / RDPD Approval Date

Central Office Approval (>\$500) Date

Director Approval (>\$2,000) Date

Accounting Approval Date